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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONNY S. HOFFMAN,

Plaintiff,

v.

CLARK COUNTY SCHOOL
DISTRICT,

Defendant.

2:10-CV-1582 JCM (RJJ)

ORDER

Presently before this court is defendant Clark County School District's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #5). The court clerk issued a notice (doc. #5) indicating that plaintiff's response was due on February 17, 2011. However, to date, plaintiff has failed to respond.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion and is proper grounds for dismissal. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, prior to dismissal, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,

1 the court finds dismissal appropriate.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED defendant's motion to dismiss
4 (doc. #5) is GRANTED.

5 DATED March 4, 2011.

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8 UNITED STATES DISTRICT JUDGE
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